

### **REMARKS**

Claims 1-18 are currently pending in the application. Applicant respectfully requests reconsideration of the application in view of the following remarks.

#### **1. Claim Amendments**

Claims 1, 3, and 18 have been amended.

Claim 1 now recites "navigating in a backwards direction in the hierarchically organized menu system by solely removing the finger from the movable physical member and re-applying the finger to the movable physical member within a set time limit."

Similarly, claims 3 and 18 now recite that "the electronic device is arranged such that navigation in a backwards direction in a hierarchy of commands in the hierarchically organized menu system can be performed by solely removing said finger from and reapplying said finger to said user surface of the moveable physical member within a set time limit."

#### **2. Claim Rejections - 35 U.S.C. § 103**

Withdrawal of the rejection of claims 1-18 under 35 U.S.C. § 103(a) as being unpatentable over Wallace et al. (US 6,621,483) in view of Applicant's Admitted Prior Art (AAPA), and further in view of Bower (US 2002/0072915) respectfully is requested for the following reasons.

Wallace provides for movement of a screen pointer by applying a finger to a surface. Upon removal of the finger from the surface, the screen pointer continues to travel in the same direction as before removal, but at a decreasing velocity until the screen pointer stops moving. As is described in Wallace, "the continued motion is similar to the motion of a screen pointer when a mechanical ball of a track ball is 'flicked'" (column 5, lines 21-24). Wallace also explains, "if the screen pointer is moving when fingertip 6 is replaced on surface 5, the movement stops when motion

detector 9 detects the contact" (column 5, lines 30-32). Thus, Wallace does not disclose navigating in a backwards direction in a hierarchically organized menu system by solely removing the finger from the movable physical member and re-applying the finger within a set time limit, as claimed.

AAPA discusses the use of hierarchically structured menu systems in electronic devices (page 1, lines 22-25) and that a switch may be activated by pushing or pressing or by pulling (page 1, line 35 to page 2, line 10). However, AAPA does not disclose navigating in a backwards direction in a hierarchically organized menu system by solely removing a finger from a movable physical member and re-applying the finger to the movable physical member within a set time limit, as claimed.

Bower mentions the use of a double click in paragraph 43. However, Applicant's claimed invention is not a double click process. A double click process requires two sequential clicks within a prescribed time period in order to initiate an action. In contrast, the claimed invention navigates backwards in a hierarchically organized menu system by solely removing the finger from the movable physical member and re-applying the finger to the movable physical member within a set time limit. In a double-click environment, *solely* removing and reapplying a finger does not initiate a backwards navigation as claimed. Accordingly, Bower does not disclose the claimed subject matter.

Since none of the applied references disclose or fairly suggest the subject matter recited in independent claims 1, 3, 17, and 18, the proposed combination of references does not arrive at the claimed invention. As such, there is no *prima facie* obviousness under 35 U.S.C. § 103(a).

Claims 2 and 4-16 depend from claim 1 and are allowable for at least the reasons set forth above.

In view of the foregoing reasons, reconsideration and withdrawal of all rejections under 35 U.S.C. § 103(a) is respectfully requested.

**2. Conclusion**

In light of the foregoing, it is respectfully submitted that the present application is in condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned representative to expedite prosecution of the present application.

If there are any fees resulting from this communication, please charge same to our Deposit Account No. 18-0988, our Order No. SZACP0101US.

Respectfully submitted,

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